(1) L.S. File No. 132/08
(2) Leg File No. 1 of 1885
(3) Kolar Gold Fields Sanit Rules &

C.R.S. 571 Persons imprisoned?

File No. 24-09

P-55

Serial Nos. 1-1.

1909-10

GENERAL AND REVENUE SECRETARIAT

Legislation

Part A: Manuscri
for June

Serial Nos. 1—1

Contents

D.O. letter No. 688 dated the 15th February 1910 from M. J. Anandarao, B.A., C.I.E., Dewan to the Hon'ble Mr. [illegible] C.I.E., Resident in Mysore:

Forwards a Copy of the Hackney Carriages Bill and states that it is proposed to place it before the Legislative Council

GPB—5,000—20-3-06.

GENERAL AND REVENUE SECRETARIAT

(Legislative)

NOTES.

File No. 25-

FILE HEADING.

Re Mrs Carnegie
Re Name [Hackney Carriages] Regulations

From.

No.	Dated	Received

Diary No.	Enclos.	Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First she

GPB—30,000—3-4-07

G. R. S. 12]
General and Revenue Secretariat.

Leg D — File No. 112 of 190 9

Serial No.

(Law attending letters)
10/9/09 Sdt

1 54) A draft Regulation is put up.
55) A few Explanatory remarks are necessary.
(1) The Bangalore City Hackney Carriage Reg^n 1887 is based on the Government of India Act no XIV of 1879 which I have also followed in preparing the draft. The draft Reg^n will apply to Municipalities to wh Govt may by a Notification Extend its appn and reserves also power to Govt to frame rules under the Operative portion of the Regulation to areas outside a municipality, So that the Govt may, if it is thought desirable, Extend the provisions of the Act to any portion of the State Eg Kolar Gold Fields Area. In this case I considered whether it may be possible to delegate this power of making rules to any local Body (like the Kg. Y. San^a Board) or Special Offier. In the Govt of India Act a Similar power to make rules for certain areas outside d Mun^y is reserved only to the Local Govt or to the Govr-Gen in Council. It was therefore thought undesirable to restrict the

NOTE—Contn. sheet.

GPB—50,000—18-5-08

Serial No.

power on any Local Offices or Local Body other than a Mun.ty. In practice however this makes little difference, as the Govt will make rules only on the recommendation of the Local Body which asks for them.

(2) The provision in the British Act for power to extend the rules on any road outside the limits of a Mun.ty up to limit of Six miles ~~from such limits~~ has also been adopted in the draft.

(3) The last Section in our Existing Reg.n providing a penalty for any injury done to the hackney-carriage by a person using it is not to be found in the B. 9. Act. But I have retained it in the draft. The usual draft of the Reg.n is also sent herewith.

Please type the drafts and then Submit

1993

2-10-09

2nd Oct

30/9/09

2/10/09

1st Oct

2 Mar

1st Oct

2/10/09

SB. A.A

GEB-50,000 7-3-07

Serial No.

Subject to recommend

EW
5/10/09
2826 (Woods)
6/10/09

In the draft bye-laws framed by the Municipal Council there is a provision to frame rules in regard to carriages plying for hire. It may kindly be noted whether, in view of this, there is any necessity to extend the proposed Hackney Carriage Act to Municipal areas; & whether it would not be sufficient to restrict the latter Regulation to new Municipal areas (such as, for instance, the area under the control of the K.G.F. Sanitary Board). This would also obviate the awkwardness of possibly mixing up special provisions for the Bangalore City with general provisions for the rest of the State.

K. Matthan
(under letter dated 21/12/09
with Dept. 21/12/09

Assessor Box 44.

It is no doubt true that the Hackney Carriage Regulation and the Municipal Regulation required to be amended overlap each other to some extent but there is not much harm in this as the Municipal Commrs can be trusted to exercise their powers in such a manner as to make the rules framed under the one supplementary to those under the other. The exemption of the C & M Sts Bangalore is a case in point. I may also add that a Hackney Carriage Reg^n is primarily intended for municipal areas and crowded localities. To make it applicable to non-municipal areas would be inappropriate.

If possible, it would be better to drop the proposed amendment of the Municipal Reg^n but this is not practicable, as the immediate object of that amendment is to regulate the traffic of vehicles [illegible]

I consider a third alternative would be to put in this last proviso

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

also (in re loaded vehicles) in the Hackne
Carriage Reg^n but we waived them h
endorsing Extending the meaning of
word "Hackney".

15/1/10

Submitted

15/1/10

NOTE—Contn. sheet.

BPG—55,000—27-4-09

1

Submitted to His Highness.

1. There is no law at present applicable to the whole State for the regulation and control of hackney carriages. The Bangalore City Hackney Carriage Regulation I of 1887 applies only to that City. It is considered desirable to replace the Bangalore City Regulation by a Regulation extending to the whole State and coming into operation in any particular local area on the issue of a Notification by Government

2. The accompanying draft bill has been drafted in the Secretariat on the lines of the Bangalore Hackney Carriage Regulation. It has been approved by Councillors, and if approved also by His Highness, the bill will be communicated to the Residency and eventually placed before the Legislative Council. A little revision may be necessary in the words of the bill, but this will receive attention at the hands of the Select Committee who will consider the draft.

G. R. S. 12
General and Revenue Secretariat.

File No. of 190 09

Serial No.

1 Submitted with the necessary fair copies. This has to be submitted to the Dewan

2/2/10.

1A. Submitted to Dewan for favour of Signature

D.O. letter Approved by the Dewan 1/7/2/10

(1) Attention is respectfully invited to the manuscript addition to Sub-clause (3) of clause (1) which has since been inserted to cover the powers conferred on Municipalities under the Mun. Regn over the Hackney Carriages. This is taken from the Panjab Act and is purely of a formal character.

Marginal Ref. (24 of this Book) p. 17

(2) I have corrected a clerical Error which had crept into the draft in Sub-clause (2) of Clause 8 viz "Sec 6" for "Sec 7"

(437 (Above) 7.2.10 Clerk's letter 15/7

2/2/10

1B. The D.O. letter has been issued from the Dewan's office.

Serial No. 1 Separate file

C.R. D.O. letter No. 688 of the 15th Feby 1910 from 19 Feb 10 the Dewan P.R.Ry. T. Ananda Rao, Asst. C.S. to the Resident in Mysore forwards a copy of the Bill for the regulation and control of Hackney Carriages in Mysore

2/2/10.

NOTE—Contn. shee

GPB—55,000—27-09

G. R. S. 12]
General and Revenue Secretariat.

10

Leg File No. of 190 9-11

Serial No.

15 Put/ The question as to the Member who is to be entrusted with this Bill has not yet been decided by Govt orders.

22/2/10 CN

14 The draft Bill Being of the nature of a Municipal Regn the 1st Councillor may perhaps be requested to take charge of the Bill

Submitted to Dewan for favour of orders

4703/S.2.10

22/2/10.

Meanwhile the following Communication from the has been received from the Residency.

D.O. letter No. 1383 dated the 5th March 1910 from Major W. J. Frey, I.A. Resident in Mysore to the Dewan.

States that the Resident sees no primâ facie objection to the Bill being placed before the Legislative Council & suggests for the desirability of the inclusion of the Motor Vehicles & their Motor Services & Stage Carriages Act & Trunk Roads & provision against ill treatment of animals.

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. of 1909

Serial No.

Send-mills Copies of the Volume of the Consolidated Acts of the Govt. of India containing the Stage Carriages Act and the Motor Regulation. See 87 of the latter provides ample remedy for ill treatment of animals.

12/28/10

16. (1) It is no doubt true that a Regulation on the basis of the British Indian Stage Coach Act will meet the requirements of traffic on trunk Roads but the clause 5 of the draft Bill gives sufficiently wide powers to the Govt to frame rules in this matter. I think all the matters provided for in that Act can be met by rules framed under 5 of the Bill.

[illegible]

11/9 (1) The immediate necessity for legislation has arisen on account of the requests of the K. G. & Sanitary Board.

NOTE—Contn. sheet

GPB—55,000—27-4-09

Serial No.

It is admitted by the Residency that for the requirements of that locality the draft Bill will do.

~~Legislation on the lines of the Bombay Act is unnecessary~~

(2) It is ~~not~~ true that the provisions of Cl 10 & 11 can be conveniently enforced only in Compact areas for which they are primarily intended. If necessary, suitable alterations in this respect may be made in Select Committee.

(3) Provisions against Cruelty to Animals are contained in Sec 57 of the Police Regn. No fresh power therefore need be taken in the draft Bill.

(4) The Bill may therefore be placed before the Legislative Council.

(No Reply to the Resn seems to be necessary).

28/3/10 Stirling Gumaegs.

Sec 7 It seems to be desirable to introduce a clause based on Sec 57 of the Police Regn ~~& Clause~~ Sec 6(1) of Regn I of 1895. Please submit a draft addn to Clause (7).

21/ Please submit Pol Regn I of 1895

Regn I of 1895

1 Regn

4 4 10

Regn 21/4/10

make them conveniently applicable to traffic on trunk roads

The Select Committee may on the Bill will no doubt adopt whatever may be found to be desirable for the Stage Coach Act

SH

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue
Secretariat.

Legis File No. 26 of 1909-10

Flags N&O	Serial No.	Submitted Regn 1 of 1895 and Regn V of 1908 are herewith put up. 5/4/10

19. A draft addition has been put up. If approved it will be typed and incorporated with the bill. Of the drafted provisions (o) is based on sec 6 (1) of Regn I of 1895, and (p) from sec 57 (1) of Regn V of 1908

H Ramanadan
5-4-10

Ser

20. I shall be glad to have the file with the Hindu marriage note.

Mala
5/4/10

21. The draft as very slightly revised may be adopted.

Put, I would respectfully venture to submit that having regard the provisions contained in Sec 57 of

NOTE—Contn. sheet.

BPG—55,000—27-4-09

G. R. S. 12]
General and Revenue
Secretariat.

File No. of/190

Serial No.

of the draft Regns to provide
as we are likely
to require under it. We
find a new enactment nece
sary. We must follow the a
vice of the Hon'ble the Resde
later on

H.H. Harris
2/5/10

Please take steps to place before Council

4/5/10

Submitted pro-
perly after the meeting is over
for Hon Council's again

2/5/10

Resubd to Secretary
Govt's Suppose any reply to the Res'ns
necessary now is before placing the bill
before the Leg: Council (attention is invited

NOTE—Contn. sheet.

GPB—55,000—27-4-09.

S. 12]
ieral and Revenue
Secretariat.

File No. of 1909

Serial No.

p to para 4 of my section b 14 of the Notes

Submitted

Submitted to Dewan for perusal

Sd/- [illegible]
8-6-10

Sd/- [illegible]
8-6-10

Please see
Please fix a hearing
Probably the 1st Committee may
kindly take charge of the

17-8-10

Submitted for orders

17/8/10

Note for next meeting

17-8-10

DK. The bill was introduced in Council and refd to a Select Committee and then report will Come for discussion and adoption at next meeting of the Council

NOTE—Contn. sheet.

2B—55,000—27-4-09

Serial No.

~~It may~~ May ~~push~~ ~~whether~~ the Bill may also be finally passed at the next meeting. This depend on the answer to the further question whether the Sanction of the Govt of India necessary for the bill being passed into Law.

24 The Bangalore Hackney Carriage Regulation 1887 was passed after the Rendition and does not therefore find a place in the list attached to the Instrument of Transfer. The Bill before the Council repeals this Reg and Enacts a fresh Reg applicable to the whole State. It does not seem to Conflict with any Regulation or Rule mentioned in the list first refd to. A ~~Re~~ reference to the Govt of India does not therefore seem to be necessary.

of Acts and rules in force

30 It is seen from the papers relating to the Regulation of 1887 that it was passed only after the Sanction of the Govt of India was sought ~~after~~ for and obtained. It is not clear from the papers why this reference was made. The Subject was started by the Residency at the instance of the Govt of

GPB—55,000—27.4.09

Serial No.

Police of the Ct^m St^{rs} who desired that rules regulating the traffic of Hackney Carriages should be framed in the city also as corresponding regulations had been introduced in within the limits of the Ct^m St^{rs}

~~Govt of India~~ Government of India.

3rd It is also observable that the Sanction of the Govt of India has not been conveyed in the form adopted for conveying sanction in respect of Enactments mentioned in the list appended to the Instrument of Transfer, ~~viz~~ ~~that the words after~~ the proviso that the ~~Govt~~ Governor-General in Council retains on it the authority vested in him by article 19 of the Instrument of Transfer" does not find a place in the letter intimating Sanction to the Regulation of 1-8-87."

4th The changes made by the Select Committee in the Bill are not such as would necessitate the Sanction of the Govt of India. The most important change made in the Bill is the inclusion of a public conveyances bill. ~~to~~ 1

NOTE—Contn. sheet

GPB—50,000—12-8-10

Leg File No. 2n of 1910

Serial No.

Art. No change, though of importance does not really affect the present question as it had been decided to bring Even Conveyances carrying loads only under control by amending the Municipal Regulation. Such a provision had been incorporated in the Municipal Regn Amt Bill also before the Leg. Council but as the select Committee that carried these two bills were of opinion that they would overlap one another to some Extent it was decided to remove the provision from the Municipal Amt Bill and place it in the Hackney Carriages Bill.

22. Looked at from any Standpoint therefore, the Legislative Dept Govt of India does not seem it to be necessary for the passing of the Hackney Carriages Bill into law. It will be sufficient if when forwarding Copies of the Regn to the Registration we intimate that the provision regarding Carts carrying loads has been incorporated in it. This is a necessity only because we are enacting that provision at the instance of C & St Authorities.

4/4/11. Secretary General

Lee

NOTE— Contn. sheet.

GPB—50,000—12-8-10

Serial No.

34. ~~The~~ Registration is not one for which the previous sanction of the Govt of India is required. It may therefore be finally passed by the Legislative Council.

~~2nd or 3rd Reading~~ C.B. Clay 20/4/11

35. [The bill comes up for discussion in the meeting of the 27th inst. The Select Committee Report is to be adopted and the final passing of the bill agd to a subsequent meeting. In the meanwhile this question may be decided.]

1971. 20/4/11 20

36. I do not think that sanction is required.

H. V. Erle

1921 [illegible] 37 Lapse Memorandum 20/4/11

21/4/11 [illegible]

24/4/11

NOTE—Contn. sheet

GPB—50,000—12-8-10

G. . S. 12]
General and Revenue Secretariat.

Leg File No. 24 of 1909-20

Serial No.

38 Ibid. The Bill was finally passed by the Legislative Council at the meeting held on the 27th instant. The sanction of H.H. the Maharaja has now to be obtained for its promulgation as Law. Copy with a copy of the Bill as finally approved by Dewan's Appointment being obtained as by Rule 52 of the Legislative Rules

28/4/11 CW(11) 29/4/11

S. Srinivasam 1/5/11.

21

Sec'y

~~Dewan through 2nd cr~~

~~H.H. Maharajah~~ Malabar 2/5/11 2/5/11

115 00 8.5.11

4/5

NOTE— Contn. sheet.

GPB—50,000—12-8-10

Submitted to His Highness.

The Hackney Carriage Bill which was approved by His Highness in order dated 24th January 1910 has been passed by the Legislative Council on the 27th April 1911, with a few modifications made by the Select Committee.

(2.) The bill does not require the sa the Government of India and I solicit His sanction to its promulgation as law

V Dhanvantra Rao
9 May/1

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

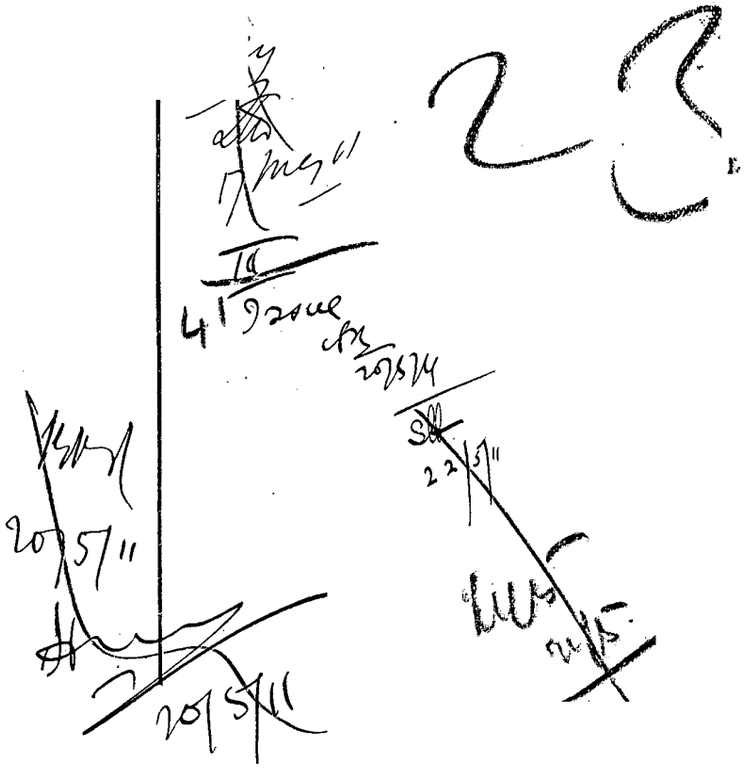
10.5.11 1995. Promulgation of the Hackney Carriage Bill as law.

Order.

40. Sanctioned

~~KRW~~

15/5/11



D. O. No. 688/Eg. Legis 24 05 Serial

Bangalore
15th Feb 10.

From The Secretary to the Government
in Legislative Department
to The Secretary to the Government
in Mysore

My Dear Sir,

I enclose herewith a copy of a draft bill (S No 1) for the regulation and control of hackney carriages in Mysore. Excepting the Bangalore City Hackney Carriage Regulation, 1887, which applies only to that City, there is no law at present which could, when necessary, be applied to the other parts of the State.

The draft bill is the outcome of a reference made by the Kolar Gold Fields Sanitary Board asking for sanction to frame bye-laws for the regulation of the carriages plying for hire in the Gold Fields area. Section 35 of the Mysore Mines Regulation, under which that Board has been constituted, does not confer power for framing the necessary bye-laws in this matter. The Durbar therefore propose to pass a law applicable to the whole State on the lines of the existing Bangalore Hackney Carriage Regulation. The latter Regulation will be repealed, but provision has been made to save the rules framed by the Bangalore City Municipality under it, until fresh rules are made under the new Regu

lation

Regulation. Certain provisions peculiar to the City of Bangalore consequent on the proximity of the Civil and Military Station have been retained in the Draft Bill. (Please see cl. 7 (a) and (b) and sub cl: 2 of clause 8).

Yours Sincerely

15 Feb 70

To The Hon'ble
Mr. The Transport Minister
Bangalore

Bill for the Regulation and control of Hackney Carriages in ~~the Territories of~~ Mysore.

Whereas it is expedient to provide for the regulation and control of Hacknøey Carriages in Mysore; His Highness the Maharaja is pleased to enact as follows:-

Short title, extent and commencement.

1. (1) This Regulation may be called the "Mysore Hackney Carriage Regulation, 19

(2) It extends to the whole of the territories of Mysore.

(3) It shall come into force at once. Nothing herein contained shall affect any power conferred by or relating to Municipalities or any rule made in exercise of a

Repeal.

2. The Bangalore City Hackney Carriage Regulation, 1887, is hereby repealed.

Savings.

But all rules made by the Municipal Council of the City of Bangalore under the above Regulation, and which may be in force at the time ~~of the commencement of~~ this Regulation comes into force shall, ~~shall~~, so far as they are not inconsistent with this Regulation, be deemed to have been made under this Regulation

in

ons.

"Hackney Carriage"

3. In this Regulation

"Hackney Carriage" means any wheeled vehicle drawn by animals and used for the conveyance of passengers which is kept or offered or plied for hire; and

"Committee"

"Committee" means a ~~Municipal~~ Committee of Municipal Councillors of the entire body of Municipal Councillors constituted under the provisions of any enactment for the

Sec: 2. Act XIV of 1887.

time being in force.

Application of the Regulation to Municipalities.

4. The Government of Mysore, may, by notification in the official Gazette, apply this Regulation to any Municipalit within the territories of Mysore.

Sec. 3 - Act XIV of 1879

Power of Municipalities to make rules.

When the Regulation has been so applied to any Municipality, the Committee of such Municipality may, from time to time, make rules for the regulation and control of hackney carriages within the limits of such Municipality in the manner in which, under the law for the time being in force, it makes rules or bye laws for the regulation and control of other matters within its limits.

Every rule made under this section shall, when confirmed by the Government of Mysore and published for such time and in such manner as the Government may from time to time prescribe, have the force of law.

Provided that the Government of Mysore may, at any time, rescind any such rule.

Power to make rules for areas outside Municipalities.

5. The Government of Mysore may, from time to time, make rules for the regulation and control of hackney carriages in any area outside the limits of a Municipality and such rules when published for such time and in such manner as the Government may from time to time prescribe shall have the force of law.

Sec. 4. Act XIV of 1879 modified.

shall be kept, and the lights (if any) to be carried after sunset and before sunrise.

(e) provide for the inspection of premises on which any such carriages, animals, harness and other things are kept;

(f) fix the time for which such licenses shall continue in force, and the events (if any) upon which within that time they shall be subject to revocation or suspension;

(g) provide for the numbering of such carriage;

(h) determine the times at which, and the circumstances under which, any person keeping a hackney carriage shall be bound to let or refuse to let the carriage to any person requiring the same;

(i) appoint places as stands for hackney carriages, and prohibit such carriages waiting for hire except at such places;

(j) limit the rate or fares, as well for time as distance, which may be ~~granted~~ demanded for the hire of any hackney carriage; and prescribe the minimum ~~speed~~ speed at which such carriages when hired by time shall be driven;

(k) limit the number of persons, and the weight of property, which may be conveyed by any such carriage;

(l) require the owner or person in charge of any such ~~vehicle~~ carriage to keep a printed list of fares in English and such

other language as may be prescribed affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list:

(m) require the owner drivers to wear a numbered badge or ticket and to produce their licenses when required by a Magistrate or other person authorized by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges; and

(n) provide for the deposit of property found in such carriages and the payment of a fee by the owner of such property on the delivery of thereof to him.

Punishment for breach of rules.

Sec. 5 (2) of Regulation I of 1887.

8. (1) Any person breaking any rule made under this Regulation shall be punished with fine which may extend to fifty rupees.

Licenses when subject to revocation or suspension.

(2) A license granted under the rules under section 6 above shall be subject to revocation or suspension upon the happening of any event prescribed by the Rules under which the license is granted and in the case of a license granted by the Municipal Council of the City of Bangalore also upon the happening of any event upon which it would be so subject under the law in force in the Civil and Military Station, Bangalore

Sec.5 of Regulation I of 1887 modified.

Fees and Expenses.

9. The amount of any fees received and the amount of any expenses incurred in giving effect to this Regulation shall in any Municipality be credited and debited respectively to the Municipal Fund and in

any other case to such Fund as the Government may by general or special order direct.

Decision of disputes between hirer and owner of driver of carriage.

10. If any dispute arises between the hirer of any hackney carriage and the owner or driver of such carriage as to the amount of fare payable by such hirer under any rule made under this Regulation, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or Bench of Magistrates within the local limits on whose jurisdiction such dispute has arisen; and such Magistrate or Bench ~~of Magistrates within the local limits~~ may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or Bench thinks fit

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.

The decision of such Magistrate or Bench in any case under this section shall be final.

When any such case is heard by a Bench any difference of opinion arising between the members of such Bench shall be settled in the same manner as differences of opinion arising between such members in the

trial or criminal cases

Driver to take hirer in carriage to Court of Magistrate.

11. . . If, at any time any dispute mentioned in section 10 arises, any Magistrate having jurisdiction in respect of such dispute is sitting, the hirer of the carriage may require the driver thereof to take him in the same manner to the Court of such Magistrate for the purpose of making an application under that section.

. . . y driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with a fine not exceeding fifty rupees, or with both.

Penalty for injuring carriage.

12. If any person using a hackney carriage under this Regulation wilfully or negligently injures the same, he shall be punished with a fine which may extend to twenty rupees and shall also pay to the owner of the hackney carriage compensation for the injury, the amount of the compensation to be fixed by the convicting Magistrate and to be recovered as a fine.

HACKNEY CARRIAGE BILL.

(5)

Statement of objects and reasons.

There is no law at present applicable to the whole State for the regulation and control of hackney carriages. The Bangalore City Hackney Carriage Regulatio of 1887 applies only to that City. It is therefore thought desirable to enact a Regulation that could, when necessary, be applied in any part of the State. The raft Bill is however purely of an enablir naracter and does not come into force in ny area unless specially extended by the overnment. The Bill is based entirely on he Bangalore Hackney Carriage Regulation hich it repeals. Regular jutka services ave been established between some of the ailway stations and towns/ - for instance etween Bangalore and Chikballapur - and etween Bowringpet and Kolar. It is neces sary to exercise some supervision over these public conveyances in the interests of public safety.

(Clause)

added in deference to the suggestion of the Bombay Govt. in Corresp. ending with D.O. of Govt. of India dated 5th March 1940

(o) prohibit the employment in hackney-carriages or vehicles of animals which by reason of disease, wound, sore or other cause, are unfit for such employment;

(p) provide against cruelty to animals by beating, loading, overloading, ill-treatment

THE RESIDENT MYSORE

BANGALORE.

5th March 1910.

I am desired to acknowledge the receipt of your D.O. letter No.688-Pol., dated the 15th February 1910, forwarding a copy of a draft Bill for the regulation and control of hackney carriages in Mysore and, in reply, to state that the Resident sees no prima facie objection to the Bill being placed before the Legislative Council.

It appears however to Mr. Fraser that jutka services on trunk roads like the lines of communication between --- Bangalore and Chickaballapur, and Bowringpet and Kolar, can probably be better regulated by legislation on the lines of the Stage Carriages Act, 1861 (XVI of 1861), than by rules

under Section 5 of the draft Bill which will be suitable for application in compact local areas like the Kolar Gold Fields. Moreover, the provisions of Sections 10 & 11 of the draft Bill can ~~kindly~~ Lardly be conveniently enforced in the case of long lines of communication. In any case, the Resident would suggest that penalty for ill-treating animals should be included among the matters as to which rules may be made under Section 7 of the Draft Bill.

Yours sincerely

W. G. Pigg Major,

First Asstt. Resident.

T. Ananda Rao, Esq., B.A.,

Dewan of Mysore.

K.M.

9 13 / 9-5-41

12

G.R.S. 28.]

Legis File No. 24-05
Serial No. 3

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Legis)

19

Date of issue 22-5-41

Signed by mr S Srinivasaraya

ORDER THEREON.—No. J 3214 / Legis 24-05 Encl.
dated the 22nd May 1941

Ordered that the Bill to provide for the regulation and control of Public Conveyances in Mysore which received the assent of His Highness the Maharaja

over

SUBJECT.

GPB—10,000—19-4-10

on the 15th. May 1911 be published
for general information & Regd
Circn No. VII of 1911.

Sd/-

Secy to Govt.

To the Principals, all Govt Colleges.

with a Copy of the Regulation
for publication in Part III of
the Gazette in Eng & Canarese for
the Supply of spare Copies ahead
ordered

Copy to the Translation Section
for information.

Copies 19/5/11

Secy

A Bill for the Regulation and Control of [Hackney Carriages] Public Conveyances in Mysore.

(As amended by the Select Committee.)

[*The portions in square brackets are those deleted and those in italics newly added by the Select Committee.*]

WHEREAS it is expedient to provide for the regulation and control of [Hackney Carriages] *Public Conveyances* in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called "The Mysore [Hackney Carriage] *Public Conveyance* Regulation, 19 ."

(2) It extends to the whole of [the territories of] Mysore.

(3) It shall come into force at once. But nothing herein contained shall affect any power conferred by any law relating to Municipalities or any rule made in exercise of any such power.

Repeal.

2. The Bangalore City Hackney Carriage Regulation, 1887, is hereby repealed.

Savings.

But all rules made by the Municipal Council of the City of Bangalore under the above Regulation, which may be in force at the time this Regulation comes into force shall, so far as they are not inconsistent with this Regulation, be deemed to have been made under this Regulation.

Definition[s].

3. In this Regulation—

"Hackney Carriage."

[" Hackney Carriage " means any wheeled vehicle drawn by animals and used for the conveyance of passengers which is kept or offered, or plies for hire; and]

"Committee."

[" Committee " means a Committee of Municipal Councillors or the entire body of Municipal Councillors, constituted under the provisions of any enactment for the time being in force.]

"*Public Conveyance.*"

"*Public Conveyance*" *means any vehicle with two or more wheels which is kept or offered or plies for hire of whatever form or construction and whether drawn by men, horses or other animals.*

Application of the Regulation to Municipalities.

4. The Government [of Mysore] may, by notification in the Official Gazette, apply this Regulation to any Municipality within [the territories of] Mysore.

Power of Municipalities to make rules.

When the Regulation has been so applied to any Municipality, the [Committee of such Municipality] *Municipal Council* may, from time to

time, make rules for the regulation and control of [Hackney Carriages] *Public Conveyances* within the limits of such Municipality in the manner in which, under the law for the time being in force, it makes [rules or] bye-laws for the regulation and control of other matters within its limits.

Every rule made under this section shall, when confirmed by the Government [of Mysore] and published for such time and in such manner as the Government may from time to time prescribe, have the force of law.

[Provided that the Government of Mysore may, at any time, rescind any such rule.]

Power to make rules for areas outside Municipalities.

5. The Government [of Mysore] may, from time to time, make rules for the regulation and control of [Hackney Carriages] *Public Conveyances* in any area outside the limits of a Municipality and such rules, when published for such time and in such manner as the Government may from time to time prescribe, shall have the force of law.

Power of a Municipal [committee] *Council* to extend the operation of the rules beyond the limits of the Municipality.

6. [The Committee of any Municipality] *A Municipal Council* making rules under this Regulation may, with the previous sanction of the Government [of Mysore], extend their operation to any railway station or specified part of a road not more than six miles from the local limits of the Municipality.

Matters as to which rules may be made.

7. The rules to be made under Section 4 or Section 5 may, among other matters,—

(*a*) direct that no [Hackney Carriage] *Public Conveyance*, or no [Hackney Carriage] *Public Conveyance* of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf under this Regulation or within the limits of the City of Bangalore, under the Bangalore Hackney Carriage Regulation as in force in the Civil and Military Station, Bangalore;

(*b*) direct that no person shall act as driver of a [Hackney Carriage] *Public Conveyance* except under a license granted in that behalf under this Regulation or within the limits of the City of Bangalore under the Bangalore Hackney Carriage Regulation as in force in the Civil and Military Station, Bangalore;

(*c*) provide for the issue of the licenses referred to in clauses (*a*) and (*b*), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(*d*) regulate the description of animals, harness and other things to be used with licensed [carriages] *conveyances*; and the condition in which such [carriages] *conveyances* and the animals, harness, and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise;

(*e*) provide for the inspection of premises on which any such [carriages] *conveyances*, animals, harness and other things are kept;

(*f*) fix the time for which such licenses shall continue in force, and the events (if any) upon which

within that time they shall be subject to revocation or suspension;

(*g*) provide for the numbering of such [carriages] *conveyances*;

(*h*) determine the times at which, and the circumstances under which, any person keeping a [Hackney Carriage] *Public Conveyance* shall be bound to let or *may* refuse to let the [carriage] *conveyance* to any person requiring the same;

(*i*) appoint places as stands for [Hackney Carriages] *Public Conveyances*, and prohibit such [carriages] *conveyances* waiting for hire except at such places;

(*j*) limit the rate or fares, as well for time as distance, which may be demanded for the hire of any [Hackney Carriage] *Public Conveyance*, and prescribe the minimum speed at which such [carriages] *conveyances* when hired by time shall be driven;

(*k*) limit the number of persons, and the weight of property, which may be conveyed by any such [carriage] *conveyance*;

(*l*) require the owner or person in charge of any such [carriage] *conveyance* to keep a printed list of fares in [English and] such [other] language as may be prescribed, affixed inside such [carriage] *conveyance* in such place as may be determined by the rules, and prohibit the destruction or defacement of such list;

(*m*) require the drivers to wear a numbered badge or ticket and to produce their licenses when required by a Magistrate or other person authorised by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges;

(*n*) provide for the deposit of property found in such [carriages] *conveyances* and the payment of a fee by the owner of such property on the delivery thereof to him; and

(*o*) prohibit the employment in [Hackney Carriages] *Public Conveyances* of animals which by reason of disease, infirmity, wound, sore, or other cause are unfit for such employment.

Punishment for breach of rules.

8. (1) Any person breaking any rule made under this Regulation shall be punished with fine which may extend to fifty rupees.

Licenses when subject to revocation or suspension.

(2) A license granted under the rules under Section 7 above shall be subject to revocation or suspension upon the happening of any event prescribed by the rules under which the license is granted and, in the case of a license granted by the Municipal Council of the City of Bangalore, also upon the happening of any event upon which it would be so subject under the law in force in the Civil and Military Station, Bangalore.

Fees and expenses.

9. The amount of any fees received and the amount of any expenses incurred in giving effect to this Regulation shall, in any Municipality, be credited and debited, respectively, to the Municipal Fund and in any other case, to such fund as the Government may, by general or special order, direct.

10. If any dispute arises between the hirer of any [~~Hackney Carriage~~] *Public Conveyance* and the owner or driver of such [~~carriage~~] *conveyance* as to the amount of the fare payable by such hirer under any rule made under this Regulation, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or Bench of Magistrates within the local limits of whose jurisdiction such dispute has arisen; and such Magistrate or Bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or Bench thinks fit.

Decision of disputes between hirer and owner or driver of [~~carriage~~] *conveyance*.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.

The decision of such Magistrate or Bench in any case under this section shall be final.

When any such case is heard by a Bench, any difference of opinion arising between the members of such Bench shall be settled in the same manner as differences of opinion arising between such members in the trial of iminal cases.

11. If, at [~~any~~] *the* time any dispute mentioned in Section 10 arises, any Magistrate having jurisdiction in respect of such dispute is sitting, the hirer of the [~~carriage~~] *conveyance, if it is one for the conveyance of passengers,* may require the driver thereof to take him in the same to the Court of such Magistrate for the purpose of making an application under that section.

Driver to take hirer in [~~carriage~~] *conveyance* to Court of Magistrate.

Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.

12. If any person using a [~~Hackney Carriage~~] *Public Conveyance* under this Regulation wilfully or negligently injures the same, he shall be punished with a fine which may extend to twenty rupees and shall also pay to the owner of the [~~Hackney Carriage~~] *Public Conveyance* compensation for the injury, the amount of the compensation to be fixed by the convicting Magistrate, and to be recovered as a fine

Penalty for injuring [~~carriage~~] *conveyance*.

ab

(18

G.R.S. 26]

Reg File No. 24

Serial No. 4

Diary No. of letter replied to

General and Revenue Secretariat

( )

, the 19 .

Date of issue 9-6-1911

Signed by

Rao B Ramachandramanaiyar

Letter Tel: No. 1078 dated 7th June 1911 from the Secretary to Govt. Rev. Dept.

To

The F. A. Resident in Mysore, Bangalore

Sir

S No 4

I am directed to forward herewith a copy of the Regn of 1911, a Regn to provide for the Regulation and control of Public conveyances in Mysore with Spare copies and to request that a copy may, as usual be forwarded to H.H. the Nizam's Govt

for Secretary to Govt

SUBJECT.

SW(11)
8/6/11

8/6/11

REGULATION No. VII OF 1911

(Received the assent of His Highness the Maharaja on the 15th day of May 1911.)

A Regulation to provide for the Regulation and Control of Public Conveyances in Mysore.

WHEREAS it is expedient to provide for the regulation and control of Public Conveyances in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Short title extent and commencement.

1. (1) This Regulation may be called "The Mysore Public Conveyance Regulation, 1911."

(2) It extends to the whole of Mysore.

(3) It shall come into force at once. But nothing contained shall affect any power conferred by any law relating to Municipalities or any rule made in exercise of any such power.

Repeal

2. The Bangalore City Hackney Carriage Regulation, 1887, is hereby repealed.

Savings.

But all rules made by the Municipal Council of the City of Bangalore under the above Regulation, which may be in force at the time this Regulation comes into force shall, so far as they are not inconsistent with this Regulation, be deemed to have been made under this Regulation.

Definitio

3. In this Regulation.—

"Public Conveyance" means any vehicle with two or more wheels which is kept or offered or plies for hire of whatever form or construction and whether drawn by men, horses or other animals.

"Public Conveyance."

Application of the Regulation to Municipalities.

4. The Government may, by notification in the Official Gazette, apply this Regulation to any Municipality within Mysore.

Power of Municipalities to make rules.

When the Regulation has been so applied to any Municipality, the Municipal Council may, from time to time, make rules for the regulation and control of Public Conveyances within the limits of such Municipality in the manner in which, under the law for the time being in force, it makes bye-laws for the regulation and control of other matters within its limits.

Every rule made under this section shall, when confirmed by the Government and published for such time and in such manner as the Government may from time to time prescribe, have the force of law.

Pov make rules for areas ou side Munic palities.

5. The Government may, from time to time, make rules for the regulation and control of Public Conveyances in any area outside the limits of a Municipality and such rules, when published for such time and in such manner as the Government may from time to time prescribe, shall have the force of law.

Power of a Municipal Council to extend the operation of the rules beyond the s of the cipality.

6. A Municipal Council making rules under this Regulation may, with the previous sanction of the Government, extend their operation to any railway station or specified part of a road not more than six miles from the local limits of t

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2/11/10

D.O. No. 7. A. Accident

Draft

Sir

I enclose herewith a copy of ~~&&&&~~ a draft bill for the regulation and control of hackney carriages in Mysore. Excepting the Bangalore City Hackney Carriage Regulation 1887, which applies only to that City, there is no law at present which could, when necessary, be applied to the other parts of the State. The draft Bill outcome of ~~This legislation has been necessitated owing to~~ a reference made by the Kolar Gold Fields Sanitary Board asking for sanction to frame bye-laws for the regulation of the carriages plying for hire in the Gold Fields area. Section 35 of the Mysore Mines Regulation, under which that Board has been constituted, does not confer power for the framing in this matter necessary bye-laws. The Durbar therefore propose to pass law applicable to the whole on the lines of the existing Bangalore Hackney Carriage Regulation, ~~which could be applied in any portion of the State.~~ when necessary

The ~~latter~~ B'lore C. later regulation will be repealed, but provision has been made to save the rules framed by the Bangalore City Municipality under it, until fresh rules are made under the new regulation. Certain provisions peculiar to the City of Bangalore Consequent on the proximity of the C & M St^n have been retained in the Draft Bill. (Please see Cl 7(a)+(b) and Sub clause 2 of clause 8,

(Sd) [illegible]

Bill for the Regulation of Hackney Carriages in the Territories of Mysore.

Please type in Margin

Short title extent and Commencement

Whereas it is expedient to provide for the regulation of Hackney Carriages in Mysore; His Highness the Raja is pleased to enact as follows: —

1 (1). This Regulation may be called the "Mysore Hackney Carriage Regulation, 19.."

(2) It extends to the whole of the territories of Mysore.

(3) It shall come into force on the day of

Repeal

2. The Bangalore City Hackney Carriage Regulation, 1887, is hereby repealed:

But nothing herein contained shall affect the validity of any law or rule relating to the matters aforesaid made under any power conferred by any such law or rule and in force at the time of the passing of this Regulation.

But all rules made by the Municipal Council of the City of Bangalore under the above Regulation, and in force at the time of the commencement of this Regulation shall, so far as they are

Stamp

I have this Regulation come into force

inconsistent with this Regulation
be deemed to have been made
under this Regulation.

Definitions

3. In this Regulation

"Hackney Carriage" means any
"Hackney Carriage" wheeled vehicle drawn by anim
and used for the conveyance
passengers which is kept
offered, or plies, for hire; a

"Committee" means a Municip
Committee or other body of Municip
Councillors, Constituted und
the provisions of any enact
for the time being in force

Application of this Regulation to Municipalities

4. The Government of Mysor
may, by Notification in the
Official Gazette, apply this Regu
lation to any Municipality
within the territories of Myso

Sec 3. Act XIV of 1877

When this Regulation has be
so applied to any Municipali
the Committee of such Municipa
may, from time to time, mak
rules for the Regulation and
Control of Hackney Carriages
within the limits of such
Municipality, in the manner
in which, under the law for
the time being in force, it may

Power of Municipalities to make rules

rules or byelaws for the regulation and control of the matters within its limits.

Every rule made under this section shall, when confirmed by the Government of Mysore and published for such time and in such manner as the Government may from time to time prescribe, have the force of law.

Provided that the Government of Mysore may at any time, rescind any such rule.

Power to make rules for areas outside municipalities

5. The Government of Mysore may, from time to time, make rules for the regulation and control of hackney carriages in any area outside the limits of a Municipality; and such rules when published in such ~~manner~~ time and in such manner as the ~~Govt~~ may from time to time prescribe, ~~have~~ shall have the force of law.

See Act. 1 of 1895 Modified

Power of ~~any~~ Municipal Committee to extend the provisions of this rule beyond the limits of the Municipality

6. The Commissioner of any Municipality making rules under this Regulation may, with the previous sanction of the Govt of Mysore, extend their operation to any

See 5 of 1895 Modified

'railway station' or specified part of a road not more than 5 miles from the local limits of the municipality

The rules to be made under section [illegible] as to which rules may be made matters—

(a) direct that no hackney-carriage, or no hackney-carriage of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf under this Regulation or under the Bangalore Hackney-carriage Regulation;

See 4 of 1887 without the [illegible] as in force in the Cantonment Station, Bangalore

(b) direct that no person shall act as driver of a hackney-carriage except under a license granted in that behalf under this Regulation or under the Bangalore Hackney-carriage Regulation;

(c) provide for the issue of the licenses referred to in clauses (a) and (b), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(d) regulate the description of animals, harness, and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness, and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise;

(e) provide for the inspection of premises on which any such carriages, animals, harness and other things are kept;

(f) fix the time for which such licenses shall continue in force, and the events (if any) upon which within that time they shall be subject to revocation or suspension;

(g) provide for the numbering of such carriage

(h) determine the times at which, and the circumstances under which, any person keeping a hackney-carriage shall be bound to let or refuse to let the carriage to any person requiring the same;

(i) appoint places as stands for hackney-carriages, and prohibit such carriages waiting for hire except at such places;

(j) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney-carriage; and prescribe the minimum speed at which such carriages when hired by time shall be driven;

(k) limit the number of persons, and the weight of property, which may be conveyed by any such carriage;

(l) require the owner or person in charge of any such carriage to keep a printed list of fares in English and such other language as may be prescribed affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list;

(m) require drivers to wear a numbered badge or ticket, and to produce their licenses when required by a Magistrate or other person authorized by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges; and

(n) provide for the deposit of property found in such carriages and the payment of a fee by the owner of such property on the delivery thereof to him.

[illegible]

S. 8. (1) Any person breaking any rule under this Regulation shall be punishable with fine which may extend to fifty rupees.

(2) A license granted under
the rules under Section 6 above
shall be subject to revocation
or suspension upon the happen-
ing of any event prescribed
by the rules under which the
license is granted and in
the case of a license granted
the City of Bangalore upon
upon the happening of any
event upon which it would
be so subject under the
law in force in the Cantonment
of Malleswaram, Bangalore

Licenses when subject to revocation or suspension

(See G.O. dated 1st May 1887)

the Municipal Council

7 The amount of any fees received and the amount of any expenses incurred in giving effect to this Regulation shall be credited and debited respectively to the Municipal Fund ~~of the City of Bangalore~~ and in any other case to such Fund as the Government by general or special order direct.

Fees and expenses.

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8 If any dispute arises between the hirer of any hackney-carriage and the owner or driver of such carriage as to the amount of the fare payable by such hirer under any rule made under this Regulation, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or Bench of Magistrates ~~in the City of Bangalore~~ within the local limits of whose jurisdiction such dispute has arisen; and such Magistrate or Bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or Bench thinks fit.

Decision of disputes between hirer and owner or driver of carriage.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.

The decision of such Magistrate or Bench in any case under this section shall be final.

When any such case is heard by a Bench, any difference of opinion arising between the members of such Bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

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~~9~~ If, at any time any dispute mentioned in section ~~8~~ arises, any Magistrate having jurisdiction in respect of such dispute is sitting, the hirer of the carriage may require the driver thereof to take him in the same to the Court of such Magistrate for the purpose of making an application under that section.

Driver to take hirer in carriage to Court of Magistrate.

Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.

12 ~~9~~ If any person using a hackney-carriage under this Regulation wilfully or negligently injures the same, he shall be punished with a fine which may extend to twenty rupees and shall also pay to the owner of the hackney-carriage compensation for the injury, the amount of the compensation to be fixed by the convicting Magistrate, and to be recovered as a fine.

Penalty for injuring carriage.

HACKNEY CARRIAGE BII

Statement of objects and reasons.

There is no law at present applicable to the ıole State for the regulation and control of ːkney carriages. The Bangalore City Hackney Carriage Regulation of 1887 applies only to that City. It is therefore thought desirable to enact a regulation that could, when necessary, be applied in any ~~portion~~ part of the State. The draft Bill is however purely of an enabling character and does not come into force in any area unless specially extended by the Government. The Bill is based entirely on the Bangalore Hackney Carriage Regulation which it repeals.

Regular jutka services have been established between some of the Railway stations and towns - for instance between Bangalore and Chickballapur - and between Bowringpet & Kolar. It is necessary to exercise some supervision over these public conveyances in the interests of public safety

1/10/20.